



Plenary sitting

B8-0490/2016

20.4.2016

MOTION FOR A RESOLUTION

further to Question for Oral Answer B8-0361/2016

pursuant to Rule 128(5) of the Rules of Procedure

on attacks on hospitals and schools as violations of international humanitarian law
(2016/2662(RSP))

Mark Demesmaeker, Nirj Deva, Eleni Theocharous
on behalf of the ECR Group

European Parliament resolution on attacks on hospitals and schools as violations of international humanitarian law (2016/2662(RSP))

The European Parliament,

- having regard to the Universal Declaration of Human Rights and other UN human rights instruments,
- having regard to the Geneva Conventions and other legal instruments on international humanitarian law (IHL),
- having regard to the Foreign Affairs Council conclusions of 8 December 2009 on promoting compliance with international humanitarian law,
- having regard to the Updated European Union Guidelines on promoting compliance with international humanitarian law¹,
- having regard to the report of the UN Secretary-General for the World Humanitarian Summit, entitled ‘One humanity, shared responsibility’, of 2 February 2016,
- having regard to UN Security Council resolutions 1998 (2011), adopted on 12 July 2011, and 2143 (2014), adopted on 7 March 2014, addressing the protection of children affected by armed conflict,
- having regard to UN General Assembly resolution A/RES/64/290 of 9 July 2010 on the right to education in emergency situations,
- having regard to the Safe Schools Declaration of May 2015 and the related Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict,
- having regard to the resolution of 10 December 2015 of the 32nd International Conference of the Red Cross and Red Crescent on strengthening compliance with international humanitarian law,
- having regard to its resolution of 25 February 2016 on the humanitarian situation in Yemen²,
- having regard to its resolution of 12 February 2015 on the humanitarian crisis in Iraq and Syria, in particular in the IS context³,
- having regard to the question to the Council on attacks on hospitals and schools as violations of international humanitarian law (O-000063/2016 – B8-0361/2016),

¹ OJ C 303, 15.12.2009, p. 12.

² Texts adopted, P8_TA(2016)0066.

³ Texts adopted, P8_TA(2015)0040.

- having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas the international community has in recent years witnessed a great number of attacks on hospitals and schools in armed conflicts around the world; whereas schools and hospitals must remain zones of peace where civilians are granted protection in times of conflict;
- B. whereas schools and hospitals have been the targets of attacks involving the use of powerful weapons; whereas the safety of humanitarian staff and the injured people they are treating is often threatened, and whereas these attacks constitute a breach of international humanitarian law, as well as a serious danger to the future of humanitarian aid delivery; whereas, following attacks on their facilities, in some instances humanitarian aid workers have been forced to leave conflict areas;
- C. whereas the first World Humanitarian Summit, to be held in Istanbul on 23-24 May 2016, should result in a reshaping of the humanitarian architecture to make it more effective and global, in order to respond to anticipated increases in humanitarian needs linked to current and future challenges, such as armed conflicts, natural disasters, refugee crises and food security;
- D. whereas, in his report for the World Humanitarian Summit titled ‘One humanity, shared responsibility’, the UN Secretary-General draws attention to what he calls ‘the brazen and brutal erosion of respect for international human rights and humanitarian law’ in armed conflict situations, which threatens to cause a regression to an era of war without limits; whereas the report notes that the failure to demand and promote respect for our shared norms and to support the existing enforcement, monitoring and accountability mechanisms contributes to this erosion;
- E. whereas international humanitarian law (IHL), also known as the law of armed conflict, is intended to alleviate the effects of armed conflict by protecting those not taking part in conflict and by regulating the means and methods of warfare;
- F. whereas hospitals and medical personnel are explicitly protected under international humanitarian law, and whereas any intentional attack against civilians and civilian infrastructure is considered a serious violation of international humanitarian law;
- G. whereas, as of 14 March 2016, 52 states, including several but not all EU Member States, have endorsed the Safe Schools Declaration following the Oslo Conference on Safe Schools, held in May 2015;
- H. whereas the Foreign Affairs Council, when adopting the EU Guidelines on promoting compliance with international humanitarian law, emphasised the importance of dealing effectively with the legacy of serious violations by supporting appropriate accountability mechanisms, and underlined the important role the International Criminal Court (ICC) can play in cases where the state or states in question are unable or unwilling to exercise their jurisdiction; whereas the EU Guidelines commit the ‘appropriate Council working groups’ to monitoring situations where IHL may apply and, in such cases, to recommending action to promote compliance with IHL (paragraph 15(a));

- I. whereas, between 2012 and 2015, the International Committee of the Red Cross (ICRC) organised a major consultation process on how to strengthen legal protection for victims of armed conflict and how to enhance the effectiveness of mechanisms of compliance with IHL;
- J. whereas the participating states of the 32nd International Conference of the Red Cross and Red Crescent Movement in December 2015 were finally unable to agree on a new mechanism proposed by the ICRC and the Government of Switzerland to strengthen compliance with IHL; whereas the proposed new mechanism would have involved setting up an annual meeting of states parties to the Geneva Conventions; whereas the participating states agreed to launch a new intergovernmental process to find ways to enhance the implementation of IHL with the aim of having the outcome presented at the next International Conference in 2019;
1. Expresses its shock and grave concern at the deadly attacks against hospitals and schools that are occurring at an alarming rate in armed conflicts around the world, with patients, students, medical and teaching staff, humanitarian aid workers, volunteers and family members becoming targets and victims, while international condemnations rarely lead to independent investigations and genuine accountability; calls for the Member States, the EU institutions and the Vice-President / High Representative to recognise the true extent of this emergency and to prepare without delay a concrete time-bound action plan for using the influence of the EU and its Member States to its full extent with a view to halting such violations and abuses;
 2. Condemns attacks on hospitals and schools, as prohibited under international law, recognising that such acts may constitute grave breaches of the Geneva Conventions of 1949, and war crimes under the Rome Statute of the ICC; expresses its conviction that the preservation of health and educational facilities as neutral, protected spaces during armed conflict situations depends on the outcome of transparent, independent and impartial investigations into the brutal attacks that have occurred and on achieving genuine accountability for the crimes committed;
 3. Believes that humanitarian workers carrying out life-saving work in very difficult conditions must always be protected;
 4. Condemns the use of hospitals and schools by parties to armed conflict, effectively turning them into targets for attacks; recalls that those using protected people or property as human shields or camouflage are also guilty of IHL violations;
 5. Stresses that apart from the direct and physical damage to schools and hospitals, attacks result in forced closure or disrupted functioning of these institutions and cause serious damage to health and educational systems as a whole;
 6. Encourages the EU and its Member States to support fully the UN Secretary-General's call for all UN member states to seize the opportunity of the World Humanitarian Summit to recommit to protecting civilians and humanitarian workers by respecting the rules that they have already agreed upon; emphasises the importance given by the UN Secretary-General to strengthening international investigative and judicial systems, including the ICC, to complement national frameworks, in order to put an end to impunity for IHL violations;

7. Calls for the EU and its Member States to promote a comprehensive agreement at the World Humanitarian Summit on practical ways to reinforce respect for IHL, such as dissemination of the rules on IHL among regional and national administrations, security forces, local authorities and community leaders, and to support the ICC's role in ending impunity for violations of IHL;
8. Acknowledges the importance and unique character of the EU Guidelines on promoting compliance with international humanitarian law, as no other states or organisations have adopted an equivalent document; calls for the EU and its Member States to implement the EU Guidelines;
9. Calls on the Foreign Affairs Council and the Vice-President / High Representative, in order to ensure that the EU policies and actions relating to IHL are developed in a coherent and effective way, to review the current allocation of responsibilities, under which the implementation of the IHL Guidelines falls primarily within the remit of the Council Working Group on Public International Law, chaired by the Council Presidency; emphasises, in this context, that the EU Guidelines commit the 'appropriate Council working groups' to monitoring situations where IHL may apply and, in such cases, to recommending action to promote compliance with IHL (paragraph 15(a)); calls on the relevant Council working groups to use this mandate to address the current urgent crisis of non-compliance;
10. Recalls the position taken in the EU Guidelines that consideration will be given, where appropriate, to drawing on the services of the International Humanitarian Fact-Finding Commission (IHFFC), established under Additional Protocol I to the Geneva Conventions of 1949, which can assist in promoting respect for IHL through its fact-finding capacity and its good offices function; notes that the services of the IHFFC have not been used, and urges the EU Council, the EU Member States and the EEAS to seriously consider activating this commission, for the first time since its creation, to address the attacks on hospitals and schools as an urgent crisis situation concerning the respect of IHL standards;
11. Notes with concern the currently limited institutional space for the international community to address common concerns relating to IHL implementation; notes, in this context, the failure of the participating states in the 32nd International Conference of the Red Cross and Red Crescent in December 2015 to agree on a new mechanism that would have strengthened the governance system of IHL by setting up an annual meeting of states to enhance dialogue and by introducing periodic reporting on national compliance with IHL; calls for the EU and its Member States to work towards achieving a better result in the forthcoming intergovernmental process;
12. Emphasises that more work is needed to improve the safety of humanitarian organisations and their workers; supports the systematic inclusion in international law of specific clauses strengthening accountability for the protection of humanitarian workers, as well as strict, systematic monitoring of attacks against aid workers;
13. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the UN Secretary-General, the

President of the UN General Assembly and the governments of the UN member states.